

1 BILL NO. Z-83-04-08

2 ZONING MAP ORDINANCE NO. Z-Losh

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. O-34.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE
6 CITY OF FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-3-B (General Business) District under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Part of the Northeast 1/4 of Section 24, Township 31
11 North, Range 12 East, more particularly described
12 as follows:

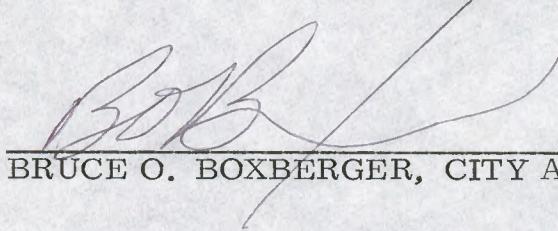
13 Commencing at a point on the North line of Section 24,
14 Township 31 North, Range 12 East, in Allen County,
15 Indiana, situated 896.15 feet West of the Northeast
16 corner of said Section 24, which point is on the
17 centerline of a public highway known as the Washington
18 Center Road; thence South, a distance of 45 feet, to a
19 point on the South right-of-way line of said Washington
20 Center Road, which point is marked by a 1 1/2 inch
21 steel pipe, and which point is the point of beginning
22 and the northeast corner of the real estate herein
23 described; thence West along the aforesaid right-of-way
24 line a distance of 175 feet, to its intersection with the
25 easterly right-of-way line of Indiana State Highway
26 No. 427 (Clinton Street), this point being marked by
27 a 1 1/2 inch steel pipe; thence south 55 degrees 18
28 minutes west, along the last described line, a distance
29 of 119.48 feet, to a point marked by an Indiana State
30 Highway Concrete marker; thence South 25 degrees
31 09 minutes West, along the easterly right-of-way line
32 of said State Highway, a distance of 100 feet, to a point
by a State Highway concrete marker; thence South
25 degrees 15 minutes west, along the easterly line
of said State Highway, a distance of 75 feet, to a
point marked by a 1 1/2 inch steel pipe, which point
is the southwest corner of the real estate herein
described; thence South 89 degrees 02 minutes east,
a distance of 305 feet, to a point marked by a 1 1/2 inch
steel pipe; thence north 10 degrees 51 minutes East,
a distance of 234 feet, to the point of beginning, the
area being 1.38 acres more or less

33 and the symbols of the City of Fort Wayne Zoning Map No. O-34, as
34 established by Section 11 of Chapter 33 of the Code of the City of Fort
35 Wayne, Indiana are hereby changed accordingly.

1 SECTION 2. That this Ordinance shall be in full force and
2 effect from and after its passage and approval by the Mayor and the
3 legal publication thereof.
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5 
6 COUNCILMEMBER

7
8 APPROVED AS TO FORM AND LEGALITY:
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11 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Stier, seconded by Galew, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 12-12-83, the 19 day of December, at 10:00 o'clock A.M., E.S.T.

DATE: 4-12-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>9</u>			
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>		<u>✓</u>			
<u>EISBART</u>		<u>✓</u>			
<u>GiaQUINTA</u>		<u>✓</u>			
<u>SCHMIDT</u>		<u>✓</u>			
<u>SCHOMBURG</u>		<u>✓</u>			
<u>SCRUGGS</u>		<u>✓</u>			
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 5-10-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 19 on the 10 day of May, 19.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10 day of May, 19, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 10 day of May, 19, at the hour of 10:00 o'clock A.M., E.S.T.

WIN MOSES, JR. - MAYOR

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Ron Brouwer Motor Car Co. / 2235 Spy Run Avenue / City 05
(Applicant's Name or Names)

to hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Part of the Northeast 1/4 of Section 24, Township 31 North, Range 12 East, more particularly described as follows:

Commencing at a point on the North line of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, situated 896.15 feet West of the Northeast corner of said Section 24, which point is on the centerline of a public highway known as the Washington Center Road, thence South, a distance of 45 feet, to a point on the South right-of-way line of said Washington Center Road, which point is marked by a 1 1/2 inch steel pipe, and which point is the point of beginning and the northeast corner of the real estate herein described; thence West along the aforesaid right-of-way line a distance of 175 feet, to its intersection with the easterly right-of-way line of Indiana State Highway No. 427 (Clinton Street), this point being marked by a 1 1/2 inch steel pipe; thence south 56 degrees 18 minutes west, along the last described (Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Indiana Bank & Trust Company

915 South Clinton Street

Robert C Nern VP

Fort Wayne, Indiana 46802

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Ron Brouwer Motor Co.

2235 Spy Run Avenue / City 05

Robert Nern / Indiana Bank

915 So. Clinton / City 02

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

line, a distance of 119.48 feet, to a point marked by an Indiana State Highway Concrete marker; thence south 25 degrees 09 minutes West, along the easterly right-of-way line of said State Highway, a distance of 100 feet, to a point by a State Highway concrete marker; thence South 25 degrees 15 minutes west, along the easterly line of said State Highway, a distance of 75 feet, to a point marked by a 1 1/2 inch steel pipe, which point is the southwest corner of the real estate herein described; thence south 89 degrees 02 minutes east, a distance of 305 feet, to a point marked by a 1 1/2 inch steel pipe; thence north 10 degrees 51 minutes East, a distance of 234 feet, to the point of beginning, the area being 1.38 acres more or less.

Owners of Property

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Fact".

(1) the grant will be injurious to the public health, safety, morals, and general welfare of the community.

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1983.

Certified and signed this
26th day of April 1983.



Stephen A. Bailey
Secretary

BILL NO. Z-83-04-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-34

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do not PASS.

JAMES S. STIER, CHAIRMAN

Janet

JANET G. BRADBURY, VICE CHAIRMAN

Janet G. Bradbury

VICTURE L. SCRUGGS

Victure L. Scruggs

MARK E. GIAQUINTA

Mark E. Giacinta

ROY J. SCHOMBURG

R. J. Schomburg

Concurred in 5-10-83

C. C. N. Eshoff

RECEIPT

No 8167

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

cheek
#9535

March 2 1983

Ron Brower Motor Car Co. \$ 50.00

Fifty Dollars 50

100

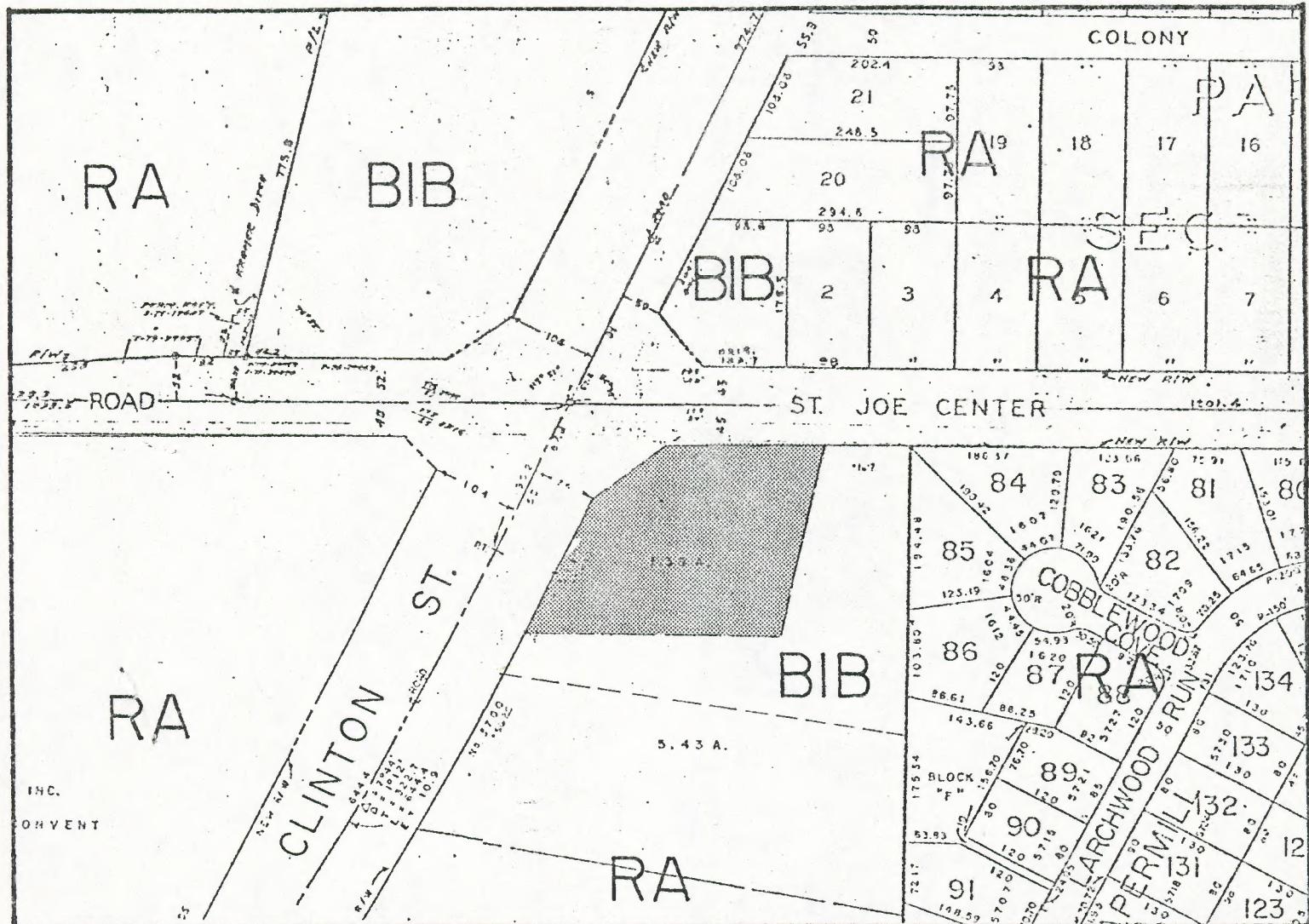
DOLLARS

from B1B to B3B

Rejoining

Kim Strowatt

AUTHORIZED SIGNATURE



A PETITION TO AMEND THE ZONING
MAP BY RECLASSIFYING DESCRIBED PRO-
PERTY FROM A B1B TO A B3B DISTRICT.

MAP NO. 0-34

Z-83-04-08

N



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
city plan commission

26 April 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held April 25, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-04-08
2. From B-1-B to B-3-B
3. Intended Use: Auto Sales Lot
4. Plan Commission Recommendation: DO NOT PASS

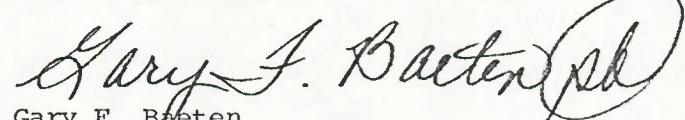
This ordinance received a DO NOT PASS recommendation for the following reason:

REASON: The value of the area adjacent to the property included in the rezoning will be affected in an adverse manner if this request is granted.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

ORIGINAL

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-83-04-08

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A 1.38 acre parcel located on the southeast corner of
St. Joe Center Road and Clinton Street.

EFFECT OF PASSAGE Property is now zoned a B-1-B Limited Business District.
Property will become B-3-B General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____